



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

PATTI, HEWITT & AREZINA LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO IL 60602

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Magyar et al. :
Application No. 10/667,257 : ON PETITION
Filed: September 19, 2003 :
Atty Docket No. 920047-94539 :

This is in response to the "PETITION TO WITHDRAW THE HOLDING OF AN ABANDONMENT" filed August 26, 2008 (and resubmitted September 10, 2008).

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, April 3, 2008, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. The issue fee and publication fee were received but determined to not be sufficient. No further payment received, the above-identified application became abandoned effective July 4, 2008. A courtesy Notice of Abandonment was mailed on August 1, 2008.

In response, applicant promptly filed the instant petition. Applicant acknowledges that the Issue Fee Transmittal, submitting the issue fee and publication fee, inadvertently checked "Box 4b, which states Applicant is no longer claiming SMALL ENTITY status." Moreover, the Credit Card form mailed along with the Issue Fee Transmittal incorrectly stated the amount of "1,700.00." Applicant states that the correct amount should have been \$1,020.00.

The petition under § 1.181 is **DISMISSED**.

Alternatively, applicant may seek revival under the provisions of 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

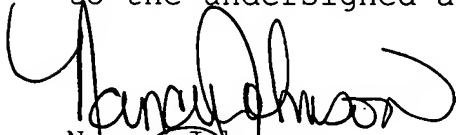
- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions